

### **REMARKS**

In response to the final Official Action of January 23, 2008, claims 1, 16, and 17 have been amended in a manner which is believed to particularly point out and distinctly claim the invention in view of the cited art. Support for the claim amendment is found in the original application as filed, including Figure 2 and the accompanying description, including that at page 15, line 10 through page 20, line 27. No new matter is added.

#### **Claim Rejections - 35 USC §101**

At section 3, claim 16 is rejected under 35 USC §101 as directed to non-statutory subject matter; specifically, that it is directed to a program itself and not to a process occurring as a result of executing the program on an actual physical machine. Claim 16 has been amended to recite a computer readable medium stored with program code, said program code for execution by a processor so as to perform the recited actions.

As such, claim 16, as amended, is believed to recite statutory subject matter.

#### **Claim Rejections - 35 USC §102**

At section 5, claims 1-7, 16, 17, 21, and 22 are rejected under 35 USC §102(e) as anticipated in view of US patent application publication 2004/0242209, Kruis, et al (hereinafter Kruis). With respect to claim 1, it is asserted that Kruis discloses a method having the actions recited therein, with specific reference made to paragraphs 43, 44, 82, and 85 and the accompanying figures. Claim 1 has been amended to make clear that the “applying” action is with respect to “information retrieved by said user terminal” in order to configure one or more applications executable thereat.

Kruis is directed to a system and method of provisioning services for a mobile communication device in which a provisioning request includes provisioning information, specifying a provisioning operation and where a first communication service is prepared on the mobile communication device and sent to a provisioning system. Processing of

the provisional request is dependent upon whether or not a second communication device has been activated for the mobile communication device. If the mobile communication device is outside a coverage area of a wireless communication network when a provisioning request is prepared, the request is stored at the mobile communication device and sent to the provisioning system when the mobile communication device enters the coverage area. The provisioning system preferably manages service provisioning for multiple services, any of which may be hosted by different service providers (Kruis, Abstract).

Figure 2 of Kruis is a block diagram of a provisioning system according to an embodiment shown in Figure 1 (Kruis, paragraph [0024]). The recited paragraphs [0043] and [0044] of Kruis, and specifically lines 30-38 of paragraph [0043], state that the provisioning authority 22 sends the provisioning response 17 to the mobile device 14 to complete the activation process. Information extracted from provisioning requests is also forwarded to the service provider systems 28b and 28c as shown at 23b and 23c respectively.

In contrast, paragraphs [0082] and [0085] of Kruis are directed to a flow diagram of a provisioning process for a service which is related to a further service and steps 733-744 and 746-750 are performed by a provisioning authority 51 during processing of a provisioning request for a service offered by a first service provider that is related to a different service offered by a second service provider (Kruis, paragraph [0081]).

The cited paragraphs [0082] and [0085] disclose that at step 702, a provisioning request is prepared and submitted to the provisioning authority, that the provisioning request is prepared on and sent from the mobile device or an alternative provisioning interface as shown in Figure 6 and that the provisioning process then proceeds as described above (in Kruis) to extract and store provisioning information (step 704), send pertinent information to such systems, such as billing and warranty systems (step 706), determines whether the first service provider offering the requested services is external to the provisioning authority (step 708), and that the first service provider checks to

insure that all of the required information has been received (step 710) and that missing information is requested if necessary (step 724).

Such a provisioning request is not seen as comprising at least one data store descriptor suitable for characterizing said at least one data store, said at least one data store descriptor identifying at least one content type of data stored in said at least one data store, as well as a command for instructing said other device to identify at least one data store matching one said at least one data store descriptor.

Furthermore, the embodiment shown in Figure 7 of Kruis appears to be related to a different embodiment than that shown in Figure 2 of Kruis and no showing is made as to why a particular embodiment disclosed in paragraphs [0082] and [0085] of Kruis would then be combined with the embodiment of Kruis as shown in Figure 2.

Furthermore, the embodiment shown in Figure 7 of Kruis is directed to a mobile device that sends a provisioning request to a provisioning authority (Kruis, paragraph [0082]) and then the provisioning authority sends a validation request to a second service provider (Kruis, paragraph [0085]). In the present invention as claimed, the user terminal device (that is, the mobile terminal) sends a request to the other device (the service provider) which then returns information concerning one or more applications back to the user terminal device. Therefore, this feature of claim 1 is also believed to be not anticipated by Kruis.

Furthermore, it is not seen how even the combination of the disclosure set forth in paragraphs [0082] and [0085] and that in paragraphs [0042] and [0043] of Kruis disclose or suggest that the request comprises at least one data store descriptor suitable for characterizing said at least one data store such that the at least one data store descriptor identifies at least one content type of data stored in said at least one data store, as well as a command for instructing said other device to identify at least one data store matching said at least one data store descriptor so as to retrieve information relating to said at least one identified data store and to return said retrieved information.

It is therefore respectfully submitted that claim 1 as amended is not anticipated by Kruis.

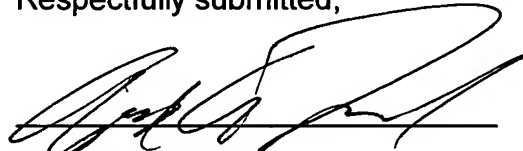
Independent computer readable medium claim 16 and independent user terminal claim 17 have been amended in a manner similar to claim 1 and are therefore believed to be not anticipated by Kruis for the same reasons as presented above with respect to claim 1.

Furthermore, dependent claims 2-7, 21, and 22 are also believed to be not anticipated by Kruis at least in view of such dependency from independent claims which are believed to be not anticipated by Kruis.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,



Alfred A. Fressola  
Agent for Applicant  
Reg. No. 27,550

Dated: April 18, 2008

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955